

Message Text

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65-62

ACTION EUR-12

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R 071607Z AUG 75

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC 3103

INFO AMCONSUL LENINGRAD

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E.O. 11652: N/A

TAGS: CVIS, UR, CGEN, PINT

SUBJECT: DENIAL OF ACCESS TO EMBASSY

REF: MOSCOW 12756 OF AUGUST 20, 1974

1. EMBASSY PERCEIVES NO REAL IMPROVEMENT IN THE PROBLEMS OF ACCESS. IN FACT, SITUATION MAY HAVE WORSENERD IN RECENT DAYS JUDGING FROM NUMEROUS REPORTED INCIDENTS IN WHICH VISITORS HAVE BEEN STOPPED BY THE MILITIA, ASKED TO SHOW IDENTITY DOCUMENTS, AND SOMETIMES PREVENTED FROM ENTERING EMBASSY. AN ACCOUNT OF SUCH AN INCIDENT WAS RECENTLY REPORTED IN THE AMERICAN PRESS WITH NEGATIVE COMMENT ON SOVIET VIOLATION OF THE SPIRIT OF CSCE. SOME INCIDENTS HAVE OCCURRED DESPITE INTERVENTION BY AMERICAN OFFICERS WHO HAVE GONE TO THE GATES TO ASSIST PERSONS DENIED ACCESS TO THE EMBASSY.

2. IN VIEW OF THE LACK OF IMPROVEMENT IN THE ACCESS SITUATION, THE EMBASSY PROPOSES PROTEST NOTE TO MFA AS FOLLOWS:

3. "THE EMBASSY WISHES TO CALL THE ATTENTION OF THE MINISTRY TO EMBASSY NOTE NO. 1525 OF DECEMBER 21, 1973,
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CONCERNING THE DENIAL OF ACCESS TO THE EMBASSY BY PERSONS

WITH LEGITIMATE CONSULAR BUSINESS. THE SOVIET MILITAMEN POSTED AT THE EMBASSY GATES CONTINUE TO OBSTRUCT AND DENY SUCH ACCESS TO PERSONS WITH LEGITIMATE CONSULAR BUSINESS.

"IN THE MOST RECENT INCIDENTS, INDIVIDUALS HAVING BUSINESS AT THE EMBASSY WERE PHYSICALLY PREVENTED FROM ENTERING. FOR EXAMPLE, ON JULY 29 AN INDIVIDUAL WAS STOPPED AT THE ENTRANCE TO THE OFFICES OF THE CONSULAR SECTION, PHYSICALLY MOVED AGAINST HIS WILL AROUND THE CORNER OF THE EMBASSY TO THE MILITIA STATION, AND ULTIMATELY PREVENTED FROM ENTERING THE EMBASSY. AT APPROXIMATELY 9:30 A.M. ON AUGUST 4, ANOTHER INCIDENT TOOK PLACE IN WHICH A YOUNG LADY WAS TAKEN INTO CUSTODY. HER DETAINMENT BY THE MILITIA OFFICERS STATIONED AT THE NORTH WING OF THE EMBASSY BUILDING CONTINUED ALTHOUGH THE LADY INFORMED AN AMERICAN CONSULAR OFFICER, WHO WAS ALSO ENTERING THE BUILDING, THAT SHE HAD BUSINESS TO CONDUCT IN THE EMBASSY. FURTHER COMMUNICATION BETWEEN THE LADY AND THE OFFICER WAS PREVENTED BY THE MILITIA OFFICERS WHO TOOK HER FROM THE NORTH ENTRANCE TO THE MILITIA BUILDING ON THE SOUTH SIDE OF THE COMPOUND.

"THESE DENIALS OF CONSULAR ACCESS VIOLATE BOTH STANDARD INTERNATIONAL PRACTICE AND THE PROVISIONS OF ARTICLE 4 OF THE UNITED STATES - SOVIET CONSULAR CONVENTION WHICH GUARANTEE NORMAL WORKING CONDITIONS FOR CONSULAR PERSONNEL OF THE SENDING STATE. DESPITE PREVIOUS ASSURANCES FROM THE MINISTRY, APPROPRIATE MEASURES HAVE NOT BEEN TAKEN TO ENSURE UNRESTRICTED CONSULAR ACCESS. THESE ACTIONS BY THE MILITAMEN ARE ALSO MARKEDLY OUT OF CHARACTER WITH WELCOME IMPROVEMENT IN OTHER ASPECTS OF RELATIONS BETWEEN THE TWO GOVERNMENTS. MOREOVER, THEY CONTRAST WITH THE PRACTICE OF AMERICAN AUTHORITIES, WHO DO NOT INTERFERE IN ANY MANNER WITH ACCESS TO SOVIET DIPLOMATIC AND CONSULAR ESTABLISHMENTS IN THE UNITED STATES.

"THE EMBASSY WISHES TO REITERATE ITS REQUEST THAT THESE PRACTICES OF THE SOVIET MILITAMEN BE TERMINATED LIMITED OFFICIAL USE

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IN ORDER TO ENSURE THAT PERSONS WITH LEGITIMATE CONSULAR BUSINESS NOT BE DENIED ENTRY TO THE EMBASSY OR OBSTRUCTED IN THE FUTURE."

4. EMBASSY PROPOSES TO DELIVER NOTE TO USA DIVISION OF MFA IF DEPARTMENT CONCURS.
STOESSEL

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